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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-151**

13 **KATHARINE ANNE STARKUS**  
14 **1294 Terra Nova Blvd.**  
**Pacifica, CA 94044**

**ACCUSATION**

15 **Registered Nurse License No. 734697**  
**Public Health Nurse Certificate No. 74201**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 15, 2008, the Board of Registered Nursing issued Registered  
24 Nurse License Number 734697 to Katharine Anne Starkus ("Respondent"). The Registered  
25 Nurse License expired on April 30, 2012, and has not been renewed.

26 3. On or about October 1, 2008, the Board of Registered Nursing issued Public Health  
27 Nurse Certificate Number 74201 to Respondent. The Public Health Nurse Certificate expired on  
28 April 30, 2012, and has not been renewed.

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1 psychological and physical dependence may develop upon repeated use.

2 16. Morphine Sulfate ("Morphine") is a Schedule II controlled substance as designated  
3 by Health and Safety Code section 11055, subdivision (b)(1)(L), and a dangerous drug pursuant  
4 to Code section 4022. It is prescribed for the management of moderate to severe chronic pain.  
5 Morphine can produce drug dependence and has a high potential for being abused. Tolerance,  
6 psychological and physical dependence may develop upon repeated use.

#### 7 STATEMENT OF FACTS

8 17. In 2011, Respondent was employed as a registered nurse at Kaiser Permanente  
9 Hospital in San Francisco, California. On or about November 2, 2011, Respondent self-referred  
10 and requested acceptance into the Board's MAXIMUS Diversion Program based on her using  
11 Oxycontin, which she admitted diverting from her workplace during the previous five to six  
12 months. Respondent was accepted into the Diversion Program on or about November 5, 2011.

13 18. On or about November 9, 2011, and December 15, 2011, Respondent failed to call in  
14 for drug testing. On November 28 and December 11, 2011, and February 2, 2012, she failed to  
15 appear for required drug testing. Respondent tested positive for having used Morphine on  
16 December 1, 2011, and tested positive for having used Oxycontin on December 5, 2011.

17 19. Respondent was required to complete a 28 day residential drug treatment program,  
18 from which she was discharged on January 23, 2012. Subsequently, she failed to comply with the  
19 requirements of the day treatment program by missing treatment group and 12-step meetings.

20 20. On or about February 8, 2012, Respondent was terminated from the Diversion  
21 Program as a public safety risk.

#### 22 FIRST CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct – Diversion of Controlled Substances)

24 21. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
25 on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a),  
26 section 4060, and pursuant to Health and Safety Code section 11173, subdivision (a), as she  
27 diverted Oxycontin from her employer for a period of six (6) months in 2011. The facts in support  
28 of this cause for discipline are set forth above in paragraph 17.

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1 Respondent failed field sobriety testing and had a breath alcohol level of 0.11%.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 734697, issued to  
6 Katharine Anne Starkus;

7 2. Revoking or suspending Public Health Nurse Certificate Number 74201, issued to  
8 Katharine Anne Starkus;

9 3. Ordering Katharine Anne Starkus to pay the Board of Registered Nursing the  
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
11 Professions Code section 125.3; and

12 4. Taking such other and further action as deemed necessary and proper.

13 DATED: September 5, 2012 *Louise R. Bailey*  
14 *for* LOUISE R. BAILEY, M.ED., RN  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
State of California  
Complainant

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